

Joseph W. Cotchett (36324; jcotchett@cpmlegal.com)  
 Steven N. Williams (175489; swilliams@cpmlegal.com)  
 Nanci E. Nishimura (152621; nnishimura@cpmlegal.com)  
 Aron K. Liang (228936; aliang@cpmlegal.com)  
 Douglas Y. Park (233398; dpark@cpmlegal.com)

**COTCHETT, PITRE & McCARTHY**

San Francisco Airport Office Center  
 840 Malcolm Road, Suite 200  
 Burlingame, CA 94010  
 Telephone: (650) 697-6000  
 Facsimile: (650) 697-0577

Walter J. Lack (57550; wlack@elllaw.com)  
 Elizabeth L. Crooke (90305; ecrooke@elllaw.com)  
 Richard P. Kinnan (123170; rkinnan@elllaw.com)

**ENGSTROM LIPSCOMB & LACK**

10100 Santa Monica Blvd., 16<sup>th</sup> Floor  
 Los Angeles, CA 90067  
 Telephone: (310) 552-3800  
 Facsimile: (310) 552-9434

*Attorneys for Plaintiffs and the Class*

**UNITED STATES DISTRICT COURT**

**IN AND FOR NORTHERN DISTRICT OF CALIFORNIA**

**DONALD WORTMAN,**  
**WILLIAM ADAMS,**  
**MARGARET GARCIA,** individually and on  
 behalf of all others similarly situated,

Plaintiffs,

vs.

**AIR NEW ZEALAND,**  
**ALL NIPPON AIRWAYS,**  
**CATHAY PACIFIC AIRWAYS,**  
**CHINA AIRLINES,**  
**EVA AIRWAYS,**  
**JAPAN AIRLINES INTERNATIONAL,**  
**MALAYSIA AIRLINES,**  
**NORTHWEST AIRLINES,**  
**QANTAS AIRWAYS,**  
**SINGAPORE AIRLINES,**  
**THAI AIRWAYS,**  
**UNITED AIRLINES,**

Defendants.

) **Case No. 07-CV-5634-CRB**

) **MDL No. 1913**

) **REQUEST FOR INTERNATIONAL**  
 ) **JUDICIAL ASSISTANCE**

) **(LETTER ROGATORY)**

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE**  
**(LETTER ROGATORY)**

**Case No. 07-cv-5634-CRB; MDL No. 1913**

The United District Court for the Northern District of California, San Francisco Division, presents its compliments to the Appropriate Judicial Authority of Thailand, and requests international assistance to effect service of process to be used in a Civil proceeding before this court in the above captioned matter.

**I. REQUEST**

This court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the Appropriate Judicial Authority of Malaysia effect Service of Process of: (1) Class Action Complaint *Wortman, et al. v. Air New Zealand, et al.*; (2) Civil Cover Sheet; (3) Summons in a Civil Case; (4) Notice of Assignment of Case to a United States Magistrate Judge for Trial; (5) Order Setting Initial Case Management Conference and ADR deadlines; (6) ECF Registration Information Handout; (7) Standing Order re Case Management Conference; (7) ADR Dispute Resolution Process; and (8) Order Granting Administrative Motion to Relate Cases, on the below named entity:

THAI AIRWAYS  
89 Vibhavadi-Rangsit Road  
Bangkok, Thailand 10900

The Appropriate Judicial Authority of Thailand is respectfully requested to:

(1) Serve the above mentioned documents, and the translations thereof, by personal service upon legal representatives of THAI AIRWAYS at the above address or in a manner prescribed for the service of such documents under the laws of Thailand; and

(2) Return through diplomatic channels to this Court the proof of service along with a copy of the documents which were served.

**II. FACTS OF THE CASE**

On November 6, 2007, Plaintiffs, individually and on behalf of the class described below, filed the enclosed Class Action Complaint against Defendants for damages under the antitrust

1 laws of the United States. Plaintiffs allege that Defendants conspired to fix, raise, maintain, and  
2 stabilize the prices for long haul passenger transpacific flights to and from the United States, and  
3 for fixed fuel surcharges on this transportation, during the class period 2004 to August 2007.

4 Plaintiffs bring this action to recover damages, including treble damages, injunctive relief, costs  
5 of suit, and reasonable attorneys' fees caused by Defendants' violations of the Sherman Act, 15  
6 U.S.C. § 1. THAI AIRWAYS is among the Defendants alleged to have participated in this price-  
7 fixing conspiracy.

### 8 **III. RECIPROCITY**

9 The United States District Court for the Northern District of California, San Francisco  
10 Division, expresses its willingness to provide similar assistance to the Appropriate Judicial  
11 Authority of Thailand.

### 12 **IV. REIMBURSEMENT OF COSTS**

13 The United States District Court for the Northern District of California, San Francisco  
14 Division, order Plaintiffs to reimburse the Appropriate Judicial Authority of Thailand and/or the  
15 U.S. Department of State for costs incurred in executing this Letter Rogatory. Plaintiffs shall  
16 reimburse the Appropriate Judicial Authority of Thailand and/or the U.S. Department of State for  
17 any expenses incurred in connection with the execution of this Letter Rogatory. Please contact  
18 Plaintiffs' counsel before exceeding the amount of US \$1,500. Plaintiffs' counsel is: Steven N.  
19 Williams, Cotchett, Pitre & McCarthy, 840 Malcolm Road, Suite 200, Burlingame, California  
20 94010, United States of America; phone (650) 697-6000; fax (650) 697-0577 ; e-mail:  
21 swilliams@cpmlegal.com.

22 In acknowledgment of the additional time which is needed to prepare and file an Answer  
23 to the attached documents, the time period for answering is extended to forty-five (45) days after  
24 service.

25 The Court extends to the judicial authorities of Thailand assurances of its highest  
26 consideration.

27  
28  

---

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
(LETTER ROGATORY)**

**Case No. 07-cv-5634-CRB; MDL No. 1913**

1  
2  
3  
4  
5  
6 DATED: February 01, 2008



7  
8 [COURT SEAL]  
9

Honorable Charles R. Breyer  
United States District Judge  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION  
450 Golden Gate Avenue  
Courtroom 8, 19<sup>th</sup> Floor  
San Francisco, California 94102  
United States of America

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  

---

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
(LETTER ROGATORY)

Case No. 07-cv-5634-CRB; MDL No. 1913